

protocols... [and] **dynamically arranging the bid values...**” (claim 1, emphasis added) must be taken, and Kukura fails to teach or suggest the emphasized features.

Furthermore, Kukura fails to teach or suggest “**parsing the arranged bid values** to select a protocol that is the highest preference...” (claim 1). First, Kukura cannot parse something that it does not disclose, specifically the arranged bid values. Secondly, “parsing” has a completely different meaning in the present invention. The present invention clearly uses the term parsing in the context of sorting, specifically looking through various bid values and sorting them in order to select a protocol with the highest preference (pg. 3, lns. 9-11; pg. 7, lns. 3-6). The only similarity between the expressed notion and the notion of parsing in Kukura is the word “parse”. The Examiner cites col. 28, lns. 36-62, which discusses the “`parse_object_key_segment` operation”, which is used to decode and encode segment syntax. Kukura clearly refers to parsing various bytes to extract information from an object key, which performs byte-for-byte parsing of packets of data, while the present invention is directed at sorting. Therefore, Kukura fails to disclose the parsing step. In view of the above, it is clear that Kukura does not teach or suggest the invention of claim 1.

The Examiner acknowledges that Kukura does not disclose the concept of invoking object using handle, but contends that Andrew discloses such a concept. Andrew is directed to the General Inter-ORB Protocol (GIOP). While Andrew may disclose the concept of invoking object using handle, nowhere does Andrew disclose “... selecting one protocol from among a plurality of protocols... the steps of generating bid values for one or more protocols... [and] dynamically arranging the bid values...” (claim 1). Similarly, the Examiner acknowledges that Kukura and Andrew do not disclose establishing one or more communication sessions but contends that Reed discloses such. Reed is directed to an automated communications system that operates to transfer data, metadata and methods from a provider computer to a consumer computer via a communications network. While Reed may disclose the concept of establishing one or more communication sessions, nowhere does Reed disclose “... selecting one protocol from among a plurality of protocols... the steps of generating bid values for one or more protocols... [and] dynamically arranging the bid values...” (claim 1). Thus, Kukura, Andrew and Reed, alone or in combination do not teach or suggest the invention of claim 1.

The Examiner additionally contends that claims 1 and 2 are unpatentable over U.S. Patent No. 6,208,952 to Goertzel, et al. ("Goertzel") in view of Andrew and Reed. The Examiner repeated the rejection based on Goertzel and stated that applicants' arguments filed March 28, 2005 were not persuasive. Applicants respectfully disagree.

First, unlike the present invention, which is directed at a protocol selection process and discloses the steps necessary to select one protocol from among a plurality, Goertzel is directed to a method and system for delayed registration of a protocol on a server. Goertzel discloses that communication between a client and a server occurs through the use of a third entity, called a communication process which is located on the server. The communication process receives requests from a client and only then notifies the server which protocol to register, thereby delaying the registration. Because the communication process is located on the server, the protocol selection occurs on the server. (col. 4, ln. 15 – col. 5, ln. 20). In contrast, the present invention does not involve a third entity in the selection process and specifically discloses performing the selection of a protocol on the client side, rather than on the server side as in Goertzel. Claim 1, identifies the first computer as the one with the object and the **second computer as the one with the object handle**, and states that bids are generated for one or more protocols that have been identified by the object handle. Such bids are dynamically arranged and then parsed to select the highest protocol. It is well known in the art that in CORBA, the client makes a request to the Object Request Broker (ORB), which directs the request to the appropriate server and redirects the results back to the client. Each object is identified by an object handle called an interoperable object reference (IOR). (See specification at pg 1, ln. 15 – pg. 2, ln. 5). When a need arises to evoke a specific object remotely located at a server, an IOR associated with that targeted object is pushed into the ORB, which is located on the client side and determines which protocol to use. (Specification pg. 5, ln. 21 – pg. 6, ln. 4). The claim language, by identifying the second computer as the one with the object handle which identifies the plurality of protocols, and by disclosing the steps of generating bid values, arranging them and parsing them, indicates that protocol selection occurs on the client side.

By way of further explanation, Goertzel's client indicates all the protocols it supports to the communication process, which in communicating with the server process chooses which

protocol selection for all processes, such a selection method is discussed in the background section of the invention. (pg. 2, ln. 21 – pg. 3, ln. 3). In contrast, the present invention, discloses a communication by communication protocol selection. In addition to the above recited claim 1 language, claim 1 states that “...to establish one or more communications between two computers...” certain steps must be taken, and that in itself indicates that every time there is a communication, the ability exists to select a different protocol. Furthermore, the notion of selecting additional protocols, if the previously selected protocols fail, introduces a level of dynamics that is lacking in Goertzel. For the aforementioned reasons, Goertzel neither discloses nor suggests, singly or in combination the invention of present claim 1.

With respect to dependant claims 2-12, applicants submit that these claims depend directly or indirectly from the independent claims discussed above and should be allowed at least for the same reasons discussed for their respective base claims and in view of their own further recitations.

For instance, with respect to claims 3-5, the Examiner acknowledges that Goertzel, Andrew and Reed do not disclose a default protocol setting and the detailed protocol related settings. However, the Examiner contends that Underwood discloses such a concept. As the Applicant previously asserted, the concept of default values is not the novelty of the present invention, and the protocol selection process disclosed in Goertzel does not lend itself to the application of default values. Since claims 3-4 depend on claim 2, which depends from claim 1, and since claim 5 depends on claim 4, they are patentable for the same reasons set forth for claim 1 above. Similarly, claims 6-7, which were rejected as unpatentable over Goertzel in view of official notice are dependant on claim 1 and therefore are patentable for the same reasons as set forth above.

Claims 8-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Goertzel, Andrew and Reed in view of U.S. Patent 6,345,361 to Jerger. As the Applicant previously stated, Jerger discloses a hierarchical configuration of security zones that define parameters of permission to control what the active content will be permitted to do on the user's system. The Examiner indicates that this security zone configuration is the same as the claimed prescribed ranges and

priority list used for protocol selection. The Applicant respectfully disagrees and reiterates his previous assertions. The permission sets in Jerger form groups of content that are similar in their security requirements. In the claimed invention, the ranges indicate relative priority, e.g., critical, exclusive or normal, which may be unrelated to security requirements. For example, a co-located object is typically assigned to a critical range. (Application page 7, lines 11-12). In Jerger, the parameters in the different zones have no relationship to each other. In the claimed invention, the bids relate to communication protocols for a single server and are based on a predefined rule (Page 7, line 8). In Jerger, the configuration levels are refinements of previous configuration levels, i.e., hierarchical. In the claimed invention, the ranges are linear but they are processed “according to predefined rules in the configuration,” thus the ranges do not have a hierarchical relationship among them. In Jerger, the security configuration is stored in a registry that is global throughout the system. In the claimed invention the bidding is particular to the client, i.e., “associated with the second computer.” In Jerger, exclusivity refers to protected permission settings, i.e., controlling access to protected operations. In the claimed invention, exclusivity refers to eligibility of a bid to participate in the protocol selection process, i.e., it is part of the step of “generating bid values.” In sum, Goertzel and Jerger, separately or combined, do not render claims 8-12 obvious or otherwise unpatentable.

In view of the foregoing amendments and remarks, applicants believe that the application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If, however, there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: February 27, 2006

Respectfully submitted,

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